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February 18, 2021

District Judge Cathy Seibel
United States District Court
Southern District of New York
300 Quarropas St
White Plains, NY 10601

Re: 7:20-cv-09985-CS
Schelmetty v. Heineken USA Incorporated

Dear District Judge Seibel:

This office represents the plaintiff. In accordance with your Honor's Individual Practices in Civil Cases, Rule 1(E), plaintiff requests an extension of the time to prove service or file a waiver of service.

The original date by which service is required to be proved to the Court is Thursday, February 25, 2021. Fed. R. Civ. P. 4(m) (allowing 90 days for defendant to be served); Fed. R. Civ. P. 6(a)(1)(A)-(B) (excluding the date triggering the period and counting intermediate weekends).

This action was filed on Friday, November 27, 2020. ECF. No. 4. This office contacted defendant directly and inquired whether they would be willing to waive service of the summons, but there has been no response yet from the defendant.

Plaintiff then effected service via delivery of the summons and complaint to defendant's registered agent on February 11, 2021 and received an affidavit of service from the process server. While this office expects to be contacted by defendant shortly, no such response has occurred yet.

Plaintiff requests an extension of 30 days until Monday, March 29, 2021, to obtain and file an executed waiver so defendant may obtain additional time to move or answer in response to the complaint. Fed. R. Civ. P. 4(d)(4) ("Results of Filing a Waiver"). This will make it less necessary for defendant to hurriedly request an extension of time to respond to the complaint, conserve judicial resources and accommodate defendant and whomever it selects as its counsel. This request is submitted at least 48 hours prior to the date sought to be extended. No prior request was made for the relief sought herein. Thank you.

Respectfully submitted,

/s/Spencer Sheehan
Spencer Sheehan

Certificate of Service

I certify that on February 18, 2021, I served and/or transmitted the foregoing by the method below to the persons or entities indicated, at their last known address of record (blank where not applicable).

	CM/ECF	First-Class Mail	Email	Fax
Defendant's Counsel	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Plaintiff's Counsel	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Courtesy Copy to Court	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

/s/ Spencer Sheehan